

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION

STATE OF TEXAS, et al.,

Plaintiffs,

v.

XAVIER BECERRA, in his official capacity  
as Secretary of Health and Human Services,  
et al.,

Defendants.

No. 5:22-CV-185-H

**ORDER**


Before the Court is the plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction and their Brief in Support. Dkt. Nos. 22–23. All defendants have been served with the Complaint, but they have not entered an appearance. Dkt. Nos. 5–17. At this point, it appears that only one defendant has been served with the Amended Complaint; the remaining summonses for the other defendants have yet to be returned executed. Dkt. Nos. 19–21.

Rule 65 of the Federal Rules of Civil Procedure governs injunctions and restraining orders. A court may issue an injunction only on notice to the adverse party. Fed. R. Civ. P. 65(a)(1). Compliance with this rule is mandatory. *Parker v. Ryan*, 960 F.2d 543, 544 (5th Cir. 1992); *see also ADT, LLC v. Capital Connect, Inc.*, 145 F. Supp. 3d 671, 683 (N.D. Tex. 2015) (“First, the Fifth Circuit has disapproved of ruling on a preliminary injunction where the parties were not given a ‘fair opportunity’ or did not receive sufficient notice before the court rendered its decision.”).

Accordingly, it is ordered that the plaintiffs shall notify the defendants of their request for injunctive relief and provide them with a copy of this order. It is further ordered that the plaintiffs shall file a notice describing compliance with Rule 65(a)(1).

Finally, the Court orders the plaintiffs to confer with the defendants and to prepare a status report for the Court that provides: (1) a proposed briefing schedule regarding the plaintiffs' motion; (2) the parties' position on whether the Court may resolve the motion on the papers alone; (3) a proposed hearing date, if a hearing is desired or necessary; (4) an explanation of whether any hearing would be evidentiary in nature; and (5) if so, a general description of what evidence the parties plan to submit. The plaintiffs shall file the status report no later than August 9, 2022.

So ordered on August 4, 2022.

  
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JAMES WESLEY HENDRIX  
UNITED STATES DISTRICT JUDGE